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Henry Walker
(615) 252-2363
Fax (615) 252-6363
Email hwalker@boultoncummings.com

T.R.A. DOCKET ROOM

August 31, 2004

Hon Pat Miller, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Re: BellSouth's Statement of Generally Available Terms and Conditions
Docket No. 04-00261

Dear Chairman Miller:

On August 23, 2004, the Competitive Carriers of the South, Inc. ("CompSouth") filed a Motion asking the Tennessee Regulatory Authority ("TRA") to deny BellSouth's request to withdraw its Statement of Generally Available Terms ("SGAT"). To supplement the arguments made in CompSouth's August 23 filing, CompSouth submits this letter to direct the Authority's attention to the FCC's recently released Order and Notice of Proposed Rulemaking, In the Matter of: Unbundled Access to Network Elements, CC docket 01338, WC docket 04-313 (released August 20, 2004) (the "Interim Rules"). As explained below, the Interim Rules expressly prohibit BellSouth from withdrawing the SGAT for at least the next six months.

The Interim Rules require incumbent local exchange carriers, including BellSouth, "to continue providing unbundled access to mass market switching, enterprise market loops and dedicated transport under the same rates, terms, and conditions that applied under their interconnection agreements⁵ as of June 15, 2004." Interim Rules, paragraph 1

Footnote 5 cited in the above quotation states, "Throughout this Notice and Order, references to an incumbent LEC's obligation under its interconnection agreements apply also to obligations set forth in the incumbent LECs applicable statements of generally available terms (SGATs) and relevant state tariffs."

In other words, BellSouth is now prohibited from withdrawing or amending the company's offering of mass market switching, enterprise loops, and dedicated transport as those offerings are described in the company's SGAT as of June 15, 2004.

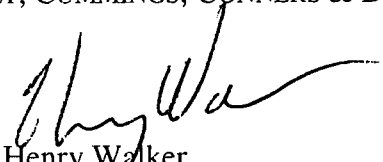
In light of the issuance of the Interim Rules, BellSouth will presumably withdraw its letter seeking to eliminate the SGAT. If BellSouth does not, the TRA must deny the company's request.

Hon Pat Miller, Chairman
August 26, 2004
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Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:



Henry Walker

HW/pp

Cc: Guy Hicks, Esq.